

DEPARTMENT OF AGRICULTURE**Forest Service****36 CFR Part 223****RIN 0596-AB21****Disposal of National Forest Timber;
Cancellation of Timber Sale Contracts****AGENCY:** Forest Service, USDA.**ACTION:** Proposed rule; extension of public comment period

SUMMARY: A proposed rule to change the procedure for calculating damages when timber sale contracts are cancelled was published on December 30, 1996 (61 FR 68690) with the comment period closing February 13, 1997. Timber industry reviewers have asked for additional time to complete their review of this proposed rule because a substantial amount of this comment period was used for the review of two other timber-related rules proposed by Forest Service.

DATES: Comments must be received by close of business March 17, 1997.

ADDRESSES: Send written comments to Director, Timber Management Staff, MAIL STOP 1105, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090.

FOR FURTHER INFORMATION CONTACT: Rex Baumbach, Timber Management Staff, (202) 205-0855.

Dated: February 3, 1997.

David G. Unger,
Associate Chief.

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**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 300****[FRL-5685-5]****National Oil and Hazardous
Substances Pollution Contingency
Plan National Priorities List**

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Sealand, Limited Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 3 announces its intent to delete the Sealand, Limited Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and

Hazardous Substances Pollution Contingency Plan (NCP), which the EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA has determined that the Site poses no significant threat to public health or the environment, as defined by CERCLA, and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments concerning this Site may be submitted on or before March 12, 1997.

ADDRESSES: Comments may be submitted to Lesley Brunker, Remedial Project Manager, 3HW23, Environmental Protection Agency Region 3, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107, (215) 566-3239.

Comprehensive information on this Site is available for viewing at the Site information repositories at the following locations: U.S. EPA Region 3, Hazardous Waste Technical Information Center, 841 Chestnut Building, Philadelphia, PA, 19107, (215) 566-5363; Appoquinimink Public Library, 118 Silver Lake Road, Middletown, DE 19709, (302) 378-5290.

FOR FURTHER INFORMATION CONTACT: Lesley Brunker (3HW23), EPA Region 3, 841 Chestnut Building, Philadelphia, PA, 19107, (215) 566-3239.

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I. Introduction

The Environmental Protection Agency (EPA) Region 3 announces its intent to delete the Sealand, Limited Site located in Mount Pleasant, New Castle County, Delaware 19709 from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and requests comments on this deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action.

EPA will accept comments on the proposal to delete this Site for thirty days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the Sealand, Limited Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other parties have implemented all appropriate response actions required;

(ii) All appropriate response under CERCLA has been implemented, and no further action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Sites may not be deleted from the NPL until the state in which the site is located has concurred on the proposed deletion. EPA is required to provide the state with 30 working days for review of the deletion notice prior to its publication in the Federal Register.

Pursuant to the NCP, 40 CFR 300.425(e)(3), all sites deleted from the NPL are eligible for further Fund-financed remedial action should future conditions warrant such action. When there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

III. Deletion Procedures

Section 300.425(e)(4) of the NCP sets forth requirements for site deletions to assure public involvement in the decision. During the proposal to delete a site from the NPL, EPA is required to conduct the following activities:

(i) Publish a notice of intent to delete in the Federal Register and solicit comment through a public comment period of a minimum of 30 calendar days;

(ii) Publish a notice of availability of the notice of intent to delete in a major local newspaper of general circulation at or near the site that is proposed for deletion;

(iii) Place copies of information supporting the proposed deletion in the information repository at or near the site proposed for deletion; and,